

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 216

Introduced by Assembly Member Cristina Garcia

February 2, 2015

An act to add Chapter 5 (commencing with Section 24600) to Division 20 of the Health and Safety Code, relating to product sales to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 216, as amended, Cristina Garcia. Product sales to minors: vapor products.

Existing law prohibits the sale of electronic cigarettes to people under 18 years of age. Existing law defines “electronic cigarette” as a device that can provide an inhalable dose of nicotine by delivering a vaporized solution.

This bill would prohibit the sale of any device intended to deliver a nonnicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of ~~age~~, *age, or to a person under 21 years of age if SB 151 of the 2015–16 Regular Session is enacted and takes effect*. The bill would exempt from its prohibition the sale of a drug or medical device that has been approved by the federal Food and Drug Administration. Because this bill would create a new crime or infraction, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 24600) is
2 added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 5. PRODUCT SALES TO MINORS
5

6 24600. (a) It ~~shall be~~ is unlawful for a person to sell or
7 otherwise furnish any device intended to deliver a nonnicotine
8 product in a vapor state, to be directly inhaled by the user, to a
9 person under 18 years of age.

10 (b) Subdivision (a) does not prohibit the sale or furnishing of a
11 drug or medical device that has been approved by the federal Food
12 and Drug Administration pursuant to the federal Food, Drug, and
13 Cosmetic Act (21 U.S.C. Sec. ~~301, et seq.~~ 301 et seq.).

14 (c) A violation of this section ~~shall be~~ is an infraction punishable
15 by a fine not exceeding five hundred dollars (\$500) for the first
16 violation, by a fine not exceeding one thousand dollars (\$1,000)
17 for the second violation, or by a fine not exceeding one thousand
18 five hundred dollars (\$1,500) for a third or subsequent violation.

19 SEC. 2. Chapter 5 (commencing with Section 24600) is added
20 to Division 20 of the Health and Safety Code, to read:

21
22 CHAPTER 5. PRODUCT SALES TO MINORS
23

24 24600. (a) It is unlawful for a person to sell or otherwise
25 furnish any device intended to deliver a nonnicotine product in a
26 vapor state, to be directly inhaled by the user, to a person under
27 21 years of age.

28 (b) Subdivision (a) does not prohibit the sale or furnishing of
29 a drug or medical device that has been approved by the federal
30 Food and Drug Administration pursuant to the federal Food, Drug,
31 and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

32 (c) A violation of this section is an infraction punishable by a
33 fine not exceeding five hundred dollars (\$500) for the first

1 violation, by a fine not exceeding one thousand dollars (\$1,000)
2 for the second violation, or by a fine not exceeding one thousand
3 five hundred dollars (\$1,500) for a third or subsequent violation.

4 ~~SEC. 2.~~

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 SEC. 4. (a) Section 1 of this act shall become operative only
15 if Senate Bill 151 of the 2015–16 Regular Session is not enacted
16 or does not become effective.

17 (b) Section 2 of this act shall become operative only if Senate
18 Bill 151 of the 2015–16 Regular Session is enacted and becomes
19 effective.